United Nations S/AC.44/2004/(02)/87/Add.1

Security Council

Distr.: General
18 January 2006
English
Original: Spanish

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 January 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to the note of 15 November 2005 concerning the matrix that summarizes and expands upon the information provided by the Government of Mexico.

The Permanent Mission of Mexico is pleased to submit a printed and updated version of the said matrix, together with a diskette containing the relevant national legislation (see annex).*

* The text of laws and regulations is on file with the Secretariat and is available for consultation.

06-21565 (E) 130206 160206

Annex to the note verbale dated 17 January 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to his note S/AC.44/2005/DDA/OC.84 of 28 September 2005, has the honour to enclose herewith Mexico's second report, which responds to the questions posed in the aforementioned communication concerning the initial report, which was submitted and issued as document S/AC.44/2004/(02)/87 of 20 December 2004.

The second report has been prepared using the matrix provided by the Committee and it includes information from the Government of Mexico which supports and, where appropriate, complements that provided in the initial report. In order to provide more detailed information, the texts of the following domestic laws are attached as annexes: the Federal Penal Code; the Customs Act; the General Health Act; the Act establishing the Federal Preventive Police; the Federal Organized Crime Act; the Regulations Act relating to article 27 of the Constitution, on nuclear issues; and the General Rules on Radiological Safety.

The Government of Mexico has set up an inter-ministerial body on international disarmament, terrorism and security, composed of the competent departments of the Federal Government, which is working to implement the commitments made by Mexico in respect of nuclear issues, chemical, biological and conventional weapons and international terrorism. That body, which is responsible for preparing reports for submission to the 1540 Committee, is currently evaluating the implementation status of all relevant international commitments, with a view to presenting proposals for the adoption of the necessary national measures.

To that end, a draft Federal law on the control of chemicals liable to be diverted for the production of chemical weapons, which enforces the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, is currently being presented to the Congress of the Union. Similarly, a proposal to amend the Federal Penal Code in order to include explicit mention of "toxic substances, chemical, biological or similar agents, radioactive material or instruments that emit radiation" has been approved by the Senate and is currently under consideration by the Chamber of Deputies.

The Government of Mexico reaffirms its commitment to the full implementation of the provisions of resolution 1540 (2004) and, since this is a long-term project, will keep the 1540 Committee apprised of any relevant developments.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Mexico**

Date of report: 19 December 2005

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
1	General statement on non-possession of WMD	X	Mexico does not produce weapons of mass destruction	See information provided in the initial report, including paragraph 1 of document S/AC.44/2004/(02)/87 of 20 December 2004
2	General statement on commitment to disarmament and non-proliferation	X	Mexico has made statements in support of general and complete disarmament in all the relevant forums, including the United Nations General Assembly, the Conference on Disarmament and the Disarmament Commission. It has reiterated that position when depositing ratifications of disarmament treaties to which Mexico is party	
3	General statement on non-provision of WMD and related materials to non-State actors	X	Mexico does not provide any form of support to non-State actors	See information provided in the initial report. Page 2 of the report
4	Biological Weapons Convention (BWC)	X	Ratified on 8 April 1974	See information provided in the initial report. Page 6 of the report
5	Chemical Weapons Convention (CWC)	X	Deposited on 29 August 1994	http://disarmament.un.org:8080/TreatyStatus.nsf
6	Nuclear Non-Proliferation Treaty (NPT)	X	Deposited on 21 January 1969	See information provided in the initial report. Page 4 of the report
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Deposited on 5 October 1999	http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force since 4 June 1988	See information provided in the initial report. Page 3 of the report

S/AC.44/2004/(02)/87/Add.1

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
9	Hague Code of Conduct (HCOC)			The Government of Mexico is currently carrying out a careful analysis of the Hague Code of Conduct, as part of a wider assessment of export control regimes, which are not binding agreements and do not include verification or penalty mechanisms, address the issue of disarmament or provide for technological and scientific cooperation
10	Geneva Protocol of 1925	X	Acceded on 28 May 1932	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Member since 1958	http://www.iaea.org/About/Policy/MemberStates/
12	Nuclear-Weapon-Free Zone/Protocol(s)	X	Treaty of Tlatelolco, in force since 22 April 1968	See information provided in the initial report. Page 4 of the report
13	Other conventions/treaties	X	Vienna Convention on Civil Liability for Nuclear Damage. In force for Mexico since 25 June 1989 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof. In force for Mexico since 23 March 1984	
14	Other arrangements			
15	Other			

OP 2 — Biological Weapons (BW)

State: **Mexico**

Date of report: 19 December 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Federal Penal Code	X	**Article 139**: Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences	
2	Acquire	X	Federal Penal Code	X	Idem.	
3	Possess	X	Federal Penal Code General Health Act, published in the *Diario Oficial* of the Federation on 7 February 1984, most recent amendment published in the *Diario Oficial* on 28 June 2005 (enclosed)	X	Idem. **Article 455**: Any person who, without authorization from the competent health authorities or acting in breach of the terms of that authorization, imports, possesses, isolates, grows,	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					transports, stores or, in general, perpetrates acts using pathogens or their vectors, where those substances pose a significant danger to human health, in accordance with the official rules issued by the Ministry of Health, shall be liable to a penalty of two to eight years' imprisonment and a fine equal to between 100 and 2,000 days' worth of the minimum wage generally applicable in the economic area concerned	
4	Stockpile/store	X	General Health Act, published in the *Diario Oficial* of the Federation on 7 February 1984, most recent amendment published in the *Diario Oficial* on 28 June 2005 (enclosed)	X	Idem.	
5	Develop	X	General Health Act, published in the *Diario Oficial* of the Federation on 7 February 1984, most recent amendment published in the *Diario Oficial* on 28 June 2005 (enclosed)	X	Idem.	
6	Transport	X	General Health Act, published in the *Diario Oficial* of the Federation on 7 February 1984, most recent amendment published in the *Diario Oficial* on 28 June 2005 (enclosed)	X	**Article 139**: Individuals shall comply with any measures necessary to prevent and control the diseases listed in article 134 of this Act. To that end, one or more of the following measures shall be employed, depending on the case in question:	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					VII. The inspection of passengers who may be carrying germs and of baggage, means of transport, goods and other objects that may be sources or carriers of pathogens **Article 455**: Any person who, without authorization from the competent health authorities or acting in breach of the terms of that authorization, imports, possesses, isolates, grows, transports, stores or, in general, perpetrates acts using pathogens or their vectors, where those substances pose a significant danger to human health, in accordance with the official rules issued by the Ministry of Health, shall be liable to a penalty of two to eight years' imprisonment and a fine equal to between 100 and 2,000 days' worth of the minimum wage generally applicable in the economic area concerned	
7	**Transfer**					

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
8	Use	X	Federal Penal Code	X	**Article 146**: Laboratories that handle pathogens shall, in accordance with the official rules issued by the Ministry of Health, be subject to supervision by the competent health authorities in respect of the hygiene precautions necessary to prevent the spread of diseases that can be transmitted to humans. Where such supervision poses a danger to animal health, the opinion of the relevant competent authorities shall be sought **Article 139**: Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					down for the resulting offences	
9	Participate as an accomplice in aforementioned activities	X	Federal Penal Code	X	**Article 139**: (…) Any person who, being aware of the activities of a terrorist and of his identity, fails to inform the authorities shall be liable to a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos **Article 13**: The following shall be regarded as perpetrators of or accomplices in an offence: III. Persons who commit the offence jointly; V. Persons who fraudulently persuade another person to commit the offence; VI. Persons who fraudulently aid or abet others to commit the offence; VII. Persons who, after the commission of the offence, abet the perpetrator in order to keep a promise made prior to the commission of the offence; and VIII. Persons who, without prior consent, participate with others in the commission of the offence, where the individual contribution of each person cannot be determined	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
10	Assist in aforementioned activities	X	Federal Penal Code		Idem.	
11	Finance aforementioned activities	X	Federal Penal Code		**Article 13**: The following shall be regarded as perpetrators of or accomplices in an offence: VI. Persons who fraudulently aid or abet others to commit the offence	
12	Aforementioned activities related to means of delivery					
13	Involvement of non-State actors in aforementioned activities	X	Federal Penal Code		**Article 13**: The following shall be regarded as perpetrators of or accomplices in an offence: III. Persons who commit the offence jointly; V. Persons who fraudulently persuade another person to commit the offence; VI. Persons who fraudulently aid or abet others to commit the offence; VII. Persons who, after the commission of the offence, abet the perpetrator in order to keep a promise made prior to the commission of the offence; and VIII. Persons who, without prior consent, participate with others in the commission of the offence, where the individual contribution of each person cannot be determined	The penalties set out in the Federal Penal Code apply to any civilian who commits the offence. They are therefore applicable to non-State actors.

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					The perpetrators or accomplices referred to in this article shall each answer for their own culpability The penalties set out in article 64 bis of the Code shall apply to the persons referred to in parts VI, VII and VIII **Article 139**: Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
14	Other	X	Legal amendments of January 2004, report of the Secretary-General A/59/210: "On 28 January 2004 amendments were made to a number of laws relating to financial institutions, with a view to providing for the introduction of measures and procedures to prevent, detect and report acts, omissions and transactions liable to promote, aid, abet or offer financial cooperation to international terrorist groups"			See information provided in the initial report. Page 2 of the report

OP 2 — Chemical Weapons (CW)

State: **Mexico**

Date of report: 19 December 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
	YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					Since May 2004, the Government of Mexico has been working to develop a preliminary draft Federal law on the control of chemical substances liable to be diverted for the production of chemical weapons, which incorporates all the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction This initiative is in line with the obligations set out in article VII of the Convention (National implementation measures) and is a concrete step towards compliance with the Plan of Action regarding the implementation of

S/AC.44/2004/(02)/87/Add.1

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement, civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
					article VII obligations, which urges Member States to enact the national legislation required for the effective implementation of the Convention On 1 December 2005, the Senate of the Republic approved a proposed amendment to the Federal Penal Code which is currently under consideration by the Chamber of Deputies. That proposal provides for penalties applicable to any natural or legal person who carries out, in the territory subject to the sovereignty or jurisdiction of the States, activities relating to the development, manufacture, production, stockpiling, transport, acquisition, marketing, transfer, import, export, dispatch, use, consumption, possession or ownership of chemicals

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
						listed in schedules I, II and III of the Convention's annex on chemicals and to any person who possesses facilities that produce specific organic chemicals which do not appear on the aforementioned schedules (art. 6) The draft will be submitted to the Congress of the Union for its consideration and the relevant legal formalities
1	Manufacture/produce	X	Federal Penal Code	X	**Article 139**: Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without	Provided for in the abovementioned draft Federal law

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
					prejudice to the penalties laid down for the resulting offences	
2	Acquire	X	Federal Penal Code	X		Idem.
3	Possess	X	Federal Penal Code	X	Idem.	Idem.
4	Stockpile/store	X		X		Idem.
5	Develop	X		X		Idem.
6	Transport	X		X		Idem.
7	Transfer	X		X		Idem.
8	Use	X	Federal Penal Code	X	**Article 139**: Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences	Idem.

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
9	Participate as an accomplice in aforementioned activities	X		X		Idem.
10	Assist in aforementioned activities	X		X		Idem.
11	Finance aforementioned activities	X		X		The proposed amendment to the Federal Penal Code, which was adopted by the Senate on Thursday, 1 December 2005 and is currently under consideration by the Chamber of Deputies, stipulates: "**Article 139**: Any person who, by the use of toxic substances, chemical, biological or similar agents or radioactive materials or instruments that emit radiation, explosives or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the population, for the

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
						purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences. The same penalty shall apply to any person who, directly or indirectly, finances, supplies or collects funds or economic resources of any type, in the knowledge that they will be used, in whole or in part, to support persons or organizations operating or committing acts of terrorism in national territory"
12	Aforementioned activities related to means of delivery	X		X		Idem.
13	Involvement of non-State actors in aforementioned activities	X		X		Idem.

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
14	Other	X	Legal amendments of January 2004, report of the Secretary-General A/59/210: "On 28 January 2004 amendments were made to a number of laws relating to financial institutions, designed to provide for the introduction of measures and procedures to prevent, detect and report acts, omissions and transactions liable to promote, aid, abet or offer financial cooperation to international terrorist groups"	X		See information provided in paragraph 46 of document A/59/210 of 5 August 2004

OP 2 — Nuclear Weapons (NW)

State: **Mexico**

Date of report: 19 December 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	Regulations Act relating to article 27 of the Constitution, on nuclear issues, in force since 4 February 1985 (enclosed) **Article 2**: Nuclear energy may be used only for peaceful purposes, in accordance with the provisions of article 27 of the Political Constitution of the United Mexican States The executive branch of the Federal Government will draw up the regulations to which the use of radioactive material, both for energy-related and non-energy-related purposes, will be subject	X	**Article 37**: Violations of the rules set out in this Act and its regulations, regardless of whether they are grounds for the suspension, cancellation or withdrawal of the authorizations granted, shall be liable to a fine of 5 to 5,000 times the general minimum wage applicable in the place in which the violation was committed. In the event that the violation continues and the deadline for rectification has passed, the aforementioned Commission may impose a fine for each day of failure to comply with the respective provision, provided that the maximum amount stipulated is not exceeded	The Nuclear Act is enclosed
2	Acquire	X	Idem.	X	Idem.	
3	Possess	X	Idem.	X	Idem.	
4	Stockpile/store	X	Idem.	X	Idem.	
5	Develop	X	Idem.	X	Idem.	
6	Transport	X	Idem.	X	Idem.	
7	Transfer	X	Idem.	X	Idem.	
8	Use	X	Idem.	X	Idem.	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
9	Participate as an accomplice in aforementioned activities	X	Idem.	X	Idem.	
10	Assist in aforementioned activities	X	Idem.	X	Idem.	
11	Finance aforementioned activities					The proposed amendment to the Federal Penal Code, which was adopted by the Senate on Thursday, 1 December 2005 and is currently under consideration by the Chamber of Deputies, stipulates: "**Article 139**: Any person who, by the use of toxic substances, chemical, biological or similar agents or radioactive materials or instruments that emit radiation, explosives or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or a sector of the

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
						population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences. The same penalty shall apply to any person who, directly or indirectly, finances, supplies or collects funds or economic resources of any type, in the knowledge that they will be used, in whole or in part, to support persons or organizations operating or committing acts of terrorism in national territory"
12	Aforementioned activities related to means of delivery	X	Idem.	X	Idem.	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
13	Involvement of non-State actors in aforementioned activities	X	Idem.	X	Idem	
14	Other	X	1. Legislative amendments of 28 January 2004, report of the Secretary-General A/59/210 2. Regulations Act relating to article 27 of the Constitution, on nuclear issues **Article 2**: Nuclear energy may be used only for peaceful purposes, in accordance with the provisions of article 27 of the Political Constitution of the United Mexican States			Page 2 of the report

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production		No			Mexico does not produce biological weapons. It has an inter-institutional coordination mechanism which is working to develop strategies and practical measures to address issues that are not yet covered by Mexican legislation
2	Measures to account for use		No			Idem.
3	Measures to account for storage		No			Idem.
4	Measures to account for transport		No			Idem.
5	Other measures for accounting		No			Idem.
6	Measures to secure production		No			Idem.
7	Measures to secure use		No			Idem.
8	Measures to secure storage		No			Idem.
9	Measures to secure transport		No			Idem.
10	Other security measures		No			Idem.
11	Regulations for physical protection of facilities/ materials/transports		No			Idem.

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
12	Licensing/registration of facilities/persons handling biological materials		No			Idem.
13	Reliability check of personnel		No			Idem.
14	Measures to account for/secure/ physically protect means of delivery		No			Idem.
15	Regulations for genetic engineering work		No			Idem.
16	Other legislation/regulations related to safety and security of biological materials	X	The Government of Mexico has established the Inter-Ministerial Commission for Controlling the Processing and Use of Pesticides and Toxic Substances (CICOPLAFEST) in order to coordinate efforts to optimize activities relating to the regulation and control of chemical risks, thereby simplifying regulatory procedures and management. The Commission is composed of the Ministry of Economic Affairs, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food and the Ministry of the Environment and Natural Resources The establishment of CICOPLAFEST represents a significant step forward in the area of inter-institutional coordination. In accordance with its given responsibilities, the Commission will take joint decisions on chemical-related issues. Its strategies make provision for the			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
		participation of private initiative; it is facilitating the enforcement of the Federal Weights, Measures and Standardization Act by issuing official rules incorporating the basic provisions of the Technical Standards on Chemicals; its actions take their inspiration from the General Health Act, which is a basic instrument in this area and focuses on health protection; it refers to the Federal Act on Plant Health with regard to the proper handling of pesticides and fertilizers in the context of farming and measures to ensure plant health, it also incorporates the criteria set out in the General Act on Ecological Balance and Environmental Protection At present, CICOPLAFEST is focusing on users and the issuance of registers and authorizations in respect of pesticides, fertilizers and toxic substances. It also has the powers set out in the basic coordination document and the rules of procedure. The aforementioned rules also contain the following provisions (articles 2 and 3, respectively) of the Presidential Decree issued on 15 October 1987: I. Standardized and comprehensive procedure for dealing with applications for registration and			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
			authorization (permits and registers) for pesticides, fertilizers and toxic substances (in the areas of: exploitation, production, manufacture, formulation, mixing, conditioning, bottling, handling, transport, distribution, application, storage, marketing, possession, use and final disposal) • Integrate the inventories of the establishments concerned • Conduct a systematic revision of import tariffs • Promote the integration and issuance of official rules • Promote the integration of a network of official laboratories • Promote technical training • Promote studies and research in the field • Promote studies on legal regulations • Simplify administrative procedures			
17	Other	X	1. Inter-ministerial mechanism which is currently discussing the formulation of regulations and controls 2. Work plan and timetable from the Chemical and Biological Weapons Committee			Pages 3, 7 and 8 of the report

OP3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect RW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement, civil/criminal penalties, and others*		*Remarks*
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1 Measures to account for production		No			Mexico does not produce chemical weapons. It does, however, take an active part in the intrusive verification mechanisms established by the Convention, which provide for the control of the relevant substances by means of sampling methods based on internationally-recognized accountability techniques. Mexico has an inter-institutional coordination mechanism which is working to develop strategies and practical measures to address issues that are not yet covered by Mexican legislation.

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil / criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
						In addition, the draft Federal law on this issue includes a proposal for specific penalties which will be incorporated into the Federal Penal Code
2	Measures to account for use		No			Idem.
3	Measures to account for storage		No			Idem.
4	Measures to account for transport		No			Idem.
5	Other measures for accounting		No			Idem.
6	Measures to secure production		No			Idem.
7	Measures to secure use		No			Idem.
8	Measures to secure storage		No			Idem.
9	Measures to secure transport		No			Idem.
10	Other security measures		No			Idem.
11	Regulations for physical protection of facilities/ materials/transports		No			Idem.
12	Licensing of chemical installations/entities/use of materials		No			Idem.
13	Reliability check of personnel		No			Idem.
14	Measures to account for/secure/ physically protect means of delivery		No			Idem.

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
15	National CWC authority	X	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. In accordance with article 133 of the Constitution, international treaties and conventions have the rank of Federal law	X	The Ministry of Foreign Affairs acts as Mexico's National Authority before the Organization for the Prohibition of Chemical Weapons (OPCW). The following departments also take part: the Ministry of the Interior, the Ministry of Defence, the Ministry of Naval Affairs, the Ministry of Public Security, the Ministry of Finance and Public Credit, the Tax Administration Service — General Customs Administration, the Ministry of the Environment and Natural Resources, the Ministry of Energy, the Ministry of Economic Affairs, the Ministry of Communications and Transport, the Ministry of Health, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, the Office of the Attorney-General of the Republic and CICOPLAFEST	
16	Reporting Schedule I, II and III chemicals to OPCW	X	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction	X	The National Authority is responsible for gathering information from companies and submitting it to the Technical Secretariat of OPCW	
17	Account for, secure or physically protect old chemical weapons		No			Mexico does not have old chemical weapons

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
18	Other legislation/regulations controlling chemical materials	X	The Government of Mexico has established CICOPLAFEST in order to coordinate efforts to optimize activities relating to the regulation and control of chemical risks, thereby simplifying regulatory procedures and management. The Commission is composed of the Ministry of Economic Affairs, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food and the Ministry of the Environment and Natural Resources The establishment of CICOPLAFEST represents a significant step forward in the area of inter-institutional coordination. In accordance with its responsibilities, the Commission will take joint decisions on chemical-related issues. Its strategies make provision for the participation of private initiative; it is facilitating the enforcement of the Federal Weights, Measures and Standardization Act by issuing official rules incorporating the basic provisions of the Technical Standards on Chemicals; its actions take their inspiration from the General Health Act, which is a basic instrument in this area and focuses on health protection; it refers to the Federal Act on Plant Health with regard to the proper handling of pesticides and fertilizers in the			

S/AC.44/2004/02/87/Add.1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			context of farming and measures to ensure plant health; it also incorporates the criteria set out in the General Act on Ecological Balance and Environmental Protection At present, CICOPLAFEST is focusing on users and the issuance of registers and authorizations in respect of pesticides, fertilizers and toxic substances. It also has the powers set out in the basic coordination document and the rules of procedure. The aforementioned rules also contain the following provisions (articles 2 and 3, respectively) of the Presidential Decree issued on 15 October 1987: I. Standardized and comprehensive procedure for dealing with applications for registration and authorization (permits and registers) for pesticides, fertilizers and toxic substances (in the areas of: exploitation, production, manufacture, formulation, mixing, conditioning, bottling, handling, transport, distribution, application, storage, marketing, possession, use and final disposal) • Integrate the inventories of the establishments concerned			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			• Conduct a systematic revision of import tariffs • Promote the integration and issuance of official rules • Promote the integration of a network of official laboratories • Promote technical training • Promote studies and research in the field • Promote studies on legal regulations • Simplify administrative procedures			
19	Other	X	1. Inter-ministerial mechanism which is currently discussing the formulation of regulations and controls			See information provided in the initial report. Pages 3, 7 and 8 of the report

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production	X	Articles 24 and 50 (VIII) of the Regulations Act relating to article 27 of the Constitution, on nuclear issues, in force since 4 February 1985	X	Article 37 of the Nuclear Act (enclosed)	
2	Measures to account for use	X	Article 24 of the Nuclear Act (enclosed)	X	National system for registering and controlling all nuclear materials developed by the National Nuclear Safety and Safeguards Commission (CNSNS)	See information provided in the initial report. Pages 2, 3 and 7 of the report
3	Measures to account for storage	X	Articles 24 and 50 (VIII) of the Nuclear Act (enclosed)	X	National system for registering and controlling all nuclear materials developed by CNSNS	
4	Measures to account for transport	X	Articles 22 and 29 of the Nuclear Act (enclosed)	X	Idem.	
5	Other measures for accounting	X	Article 29 of the Nuclear Act (enclosed)	X	Idem.	
6	Measures to secure production	X	Article 22 of the Nuclear Act (enclosed)			
7	Measures to secure use	X	Articles 27, 28 and 29 of the Nuclear Act (enclosed)	X	Idem.	
8	Measures to secure storage	X	General Rules on Radiological Safety of 22 November 1988 (enclosed) Article 22 of the Regulations Act (enclosed)			See information provided in the initial report. Pages 3 and 7 of the report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
9	Measures to secure transport	X	Articles 29 and 30 of the Nuclear Act (enclosed)	X	Idem.	
10	Other security measures	X	General Rules on Radiological Safety of 22 November 1988 (enclosed)	X	43 mandatory technical regulations issued by the standardization agencies	See information provided in the initial report. Page 7 of the report
11	Regulations for physical protection of facilities/ materials/transports	X	Articles 22 and 30 of the General Rules on Radiological Safety of 22 November 1988 (enclosed) Article 50 (III) of the Regulations Act (enclosed)	X	Article 37 of the Nuclear Act (enclosed)	See information provided in the initial report. Pages 3 and 7 of the report Furthermore, a Guide for the Transport of Nuclear Materials has been prepared by the Ministry of Energy, the Ministry of Defence, the Federal Preventive Police and CNSNS In addition to having organized and/or participated in various training courses on the issue, and in collaboration with IAEA, steps have been taken to improve the physical safety of both the Nuclear Centre (operated by the National Nuclear Research Institute (ININ)) and the Laguna Verde nuclear

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
						power plant. New gates equipped with magnetic arcs and air jets to detect the presence of explosives have been installed at the entrance to the Laguna Verde reactors
12	Licensing of nuclear installations/entities/use of materials	X	CNSNS: licence or prior authorization. Articles 26, 28, 29, 35, 50 (III) and (IV) of the Nuclear Act			See information provided in the initial report. Page 3 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	Protocol Additional to the Safeguards Agreement concluded with IAEA on 29 March 2004			
15	National regulatory authority	X	CNSNS established by the Regulations Act of 26 January 1979			See information provided in the initial report. Pages 3 and 7 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement entered into force on 29 March 1973 2. Protocol Additional to that Agreement signed on 29 March 2004			See information provided in the initial report. Pages 5 and 6 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Accession in 2003			http://www.iaea.org/downloads/rw/mee

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to the Database Programme			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other agreements related to IAEA					
20	Additional national legislation/ regulations related to nuclear materials including CPPNM	X	Convention on the Physical Protection of Nuclear Material entered into force on 4 May 1988			
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Article 4 of the Act establishing the Federal Preventive Police 2. General Import and Export Taxes Act	X	The General Customs Administration has drawn up standard operating procedures for the 19 customs houses on the border	Mexico does not produce biological weapons. It has an inter-institutional coordination mechanism which is working to develop strategies and practical measures to address issues that are not yet covered by Mexican legislation See information provided in the initial report. Page 4 of the report
2	Technical support of border control measures			X	Customs Emergency Manual	See information provided in the initial report. Page 4 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Articles 1 and 4, part II, of the Federal Organized Crime Act (enclosed)	X	Special unit to investigate terrorism and arms stockpiling and trafficking in the Office of the Attorney-General	See information provided in the initial report. Page 4 of the report
4	Enforcement agencies/authorities			X	1. Federal Preventive Police 2. General Customs Administration 3. Operational Liaison and Security Unit 4. Ministry of Public Security	See information provided in the initial report. Pages 3 and 4 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
5	Export control legislation in place		No			Mexico does not produce biological weapons. However, it does have a register of institutions that handle biological substances that may be used to commit acts of terrorism. The Federal Commission for Protection Against Health Risks (COFEPRIS) is responsible for overseeing the handling of potentially dangerous substances by monitoring and controlling the institutions that handle such substances In addition, Mexico has an inter-institutional coordination mechanism which is working to develop strategies and practical measures to address issues that are not yet covered by Mexican legislation
6	Licensing provisions		No			Idem.
7	Individual licensing		No			Idem.
8	General licensing		No			Idem.

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violations be penalized?		*National legal framework*		*Enforcement, criminal/administrative penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
9	Exceptions from licensing		No			Idem
10	Licensing of certain exports/visas		No			Idem
11	National licensing authority		No			Idem
12	Interagency review for licences		No			Idem
13	Control lists		No			Idem
14	Updating of lists		No			Idem
15	Inclusion of technologies		No			Idem
16	Inclusion of means of delivery		No			Idem
17	End-user controls		No			Idem
18	Catch-all clause		No			Idem
19	Intangible transfers		No			Idem
20	Transit control		No			Idem
21	Trans-shipment control		No			Idem
22	Re-export control		No			Idem
23	Control of funds provided		No			Idem
24	Control of transport services provided		No			Idem
25	Control of importation		No			Idem
26	Extraterritorial applicability		No			Idem
27	Other	X	The inter-ministerial mechanism is currently discussing the formulation of regulations and controls			See information provided in the initial report. Pages 3, 7 and 8 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Article 4 of the Act establishing the Federal Preventive Police (enclosed) 2. General Import and Export Taxes Act	X	The General Customs Administration has drawn up standard operating procedures for the 19 customs houses on the border	See information provided in the initial report. Page 4 of the report As far as customs issues are concerned, the competent authorities are responsible for monitoring compliance with the provisions of the laws regulating the entry into and exit from national territory of goods and of their means of transportation in accordance with articles 1, 13 and 144, part II, of the Customs Act (enclosed) and are empowered to verify that goods are imported and exported in accordance with the provisions of the aforementioned Act. The customs authorities will confiscate the goods and their means of transportation as a precautionary measure, particularly when those

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
						goods are prohibited or subject to non-tariff-related restrictions or regulations, in cases where the violator, who shall be liable to a fine of 70 to 100 per cent of the commercial value of the goods whose import or export is prohibited, fulfils the conditions set out in article 176, parts II and III, and article 178, part III, of the Act in question. Those goods shall become the property of the Federal Government, in accordance with article 183-A, part III, of the Customs Act (enclosed)
2	Technical support of border control measures			X	Customs Emergency Manual	Page 4 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Articles 1 and 2, part II, of the Federal Organized Crime Act	X	Special unit to investigate terrorism and arms stockpiling and trafficking in the Office of the Attorney-General	Page 4 of the report
4	Enforcement agencies/authorities			X	1. Federal Preventive Police 2. General Customs Administration 3. Operative Liaison and Security Unit 4. Ministry of Public Security	Pages 3 and 4 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
5	Export control legislation in place	X	Articles 1, 3 and 144 of the Customs Act (enclosed)	X	The General Customs Administration is empowered to verify that goods are imported and exported in accordance with the provisions of the aforementioned Act	
6	Licensing provisions	X		X		The draft Federal law in this area includes a proposal on this issue
7	Individual licensing	X		X		Idem.
8	General licensing	X		X		Idem.
9	Exceptions from licensing	X		X		Idem.
10	Licensing of certain exports/visas	X		X		Idem.
11	National licensing authority	X		X		Idem.
12	Interagency review for licences	X		X		Idem.
13	Control lists	X		X		Idem.
14	Updating of lists	X	The General Customs Administration worked in conjunction with the Ministry of Economic Affairs to adopt specific tariff items for schedule I, II and III chemicals. Those items were established by a Decree published in the *Diario Oficial* on 3 January 2005, and 12 customs tariff items were removed from the tariffs set forth in the General Import and Export Taxes Act			

S/AC.44/2004/(02)/87/Add.1

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CB and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			In addition, annex 10 (Register of specific sectors) to the Foreign Trade General Rules for 2005, which were published in the *Diario Oficial* on 8 August 2005, lists the aforementioned specific tariff items Similarly, annex 21 (Exclusive customs) to the Rules in question has been submitted for publication. It is designed to control imports and exports of schedule II and III chemicals as well as radioactive and nuclear materials			
15	Inclusion of technologies	X	With regard to the procurement and use of advanced technologies, the General Customs Administration included in its Strategic Plan for the Tax Administration Service the installation at customs houses of equipment for identifying and detecting chemicals, biological agents, and radioactive, nuclear and explosive materials, as well as gates and portable and individual equipment. During the first phase, that equipment will be installed at 19 customs houses on the border. The second phase, which should be completed in 2008, will cover the remaining 29 customs houses			
16	Inclusion of means of delivery					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
17	End-user controls	X	Article 144, part II, of the Customs Act (enclosed) empowers the customs authorities to request from taxpayers, joint and severally liable individuals and third parties documents and reports on imported and exported goods and, where appropriate, on the use made of those goods, which may be used to determine the end-users of those goods			
18	Catch-all clause					
19	Intangible transfers	X	Issues relating to intangible transfers, transit control and re-export are regulated by articles 1, 2, 10, 11, 13, 106, 107 and 144 of the Customs Act taken in conjunction with articles 103, 104, 105, 106 and 107 of the Federal Tax Code, as well as articles 35, 36, 37 and 38 of the Regulations on the Customs Act With regard to import control, the legal standards regulating imports comprise the Customs Act and its Regulations, the Foreign Trade General Rules for 2005, published in the *Diario Oficial* on 8 August 2005, the Federal Tax Code and its Regulations and the General Import and Export Taxes Act Any person who brings goods into or takes goods out of national territory, whether he is the owner, possessor, intended recipient, dispatcher, a customs officer or any other person intending to			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			bring in, take out, retain for safe-keeping, store, handle or keep such goods, is obliged to comply with the aforementioned provisions.			
20	Transit control	X		X		The draft Federal law in this area includes a proposal on this issue
21	Trans-shipment control	X		X		Idem.
22	Re-export control	X		X		Idem.
23	Control of funds provided	X		X		Idem.
24	Control of transport services provided	X		X		Idem.
25	Control of importation	X	Prior authorization from CICOPLAFEST			See information provided in the initial report. Page 5 of the report
26	Extraterritorial applicability					
27	Other	X	1. The General Customs Administration sought the approval of the Foreign Trade Commission to create 12 specific tariff items for precursor chemical materials to be included in annex 10 (Register of specific sectors) and annex 21 (Exclusive customs) to the Foreign Trade General Rules for 2004. 2. Work plan of the Chemical and Biological Weapons Committee to incorporate the Chemical Weapons Convention into domestic legislation	X	Member of the Network of Legal Experts designed to evaluate State Parties' implementation of the provisions of the Chemical Weapons Convention	See information provided in the initial report. Pages 3, 4, 7 and 8 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Mexico**

Date of report: 19 December 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Article 4 of the Act establishing the Federal Preventive Police (enclosed) 2. General Import and Export Taxes Act	X	The General Customs Administration has drawn up standard operating procedures for the 19 customs houses on the border	See information provided in the initial report. Page 4 of the report
2	Technical support of border control measures			X	Customs Emergency Manual	Idem.
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Articles 1 and 2, part II, of the Federal Organized Crime Act (enclosed)	X	Special unit to investigate terrorism and arms stockpiling and trafficking in the Office of the Attorney-General	Idem.
4	Enforcement agencies/authorities	X	Article 37 of the Regulations Act relating to article 27 of the Constitution, on nuclear issues (enclosed)	X	1. Federal Preventive Police 2. General Customs Administration 3. Operational Liaison and Security Unit 4. Ministry of Public Security	See information provided in the initial report. Pages 3 and 4 of the report
5	Export control legislation in place	X	Articles 29 and 50 (III) of the Regulations Act General Rules on Radiological Safety			
6	Licensing provisions	X	Articles 29 and 50 (III) of the Regulations Act General Rules on Radiological Safety			
7	Individual licensing					

S/AC.44/2004/(02)/87/Add.1

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
8	General licensing					
9	Exceptions from licensing					
10	Licensing of certain exports/visas					
11	National licensing authority	X	Article 50 of the Regulations Act Rules of Procedure of the Ministry of Energy	X	Ministry of Energy, CNSNS	
12	Interagency review for licences			X	CNSNS/General Customs Administration	
13	Control lists	X	Protocol Additional, annexes 2 and 3	X	Idem.	
14	Updating of lists	X	Protocol Additional concluded with IAEA, annexes 2 and 3	X	Idem.	
15	Inclusion of technologies	X	Protocol Additional concluded with IAEA, annexes 2 and 3	X	Idem.	
16	Inclusion of means of delivery	X	Protocol Additional concluded with IAEA, annexes 2 and 3	X	Idem.	
17	End-user controls		No			Albeit in a non-specific fashion, articles 29 and 30 of the Regulations Act provide for such activities by means of the authorizations issued by the Ministry of Energy through CNSNS
18	Catch-all clause		No			Idem.
19	Intangible transfers		No			Idem.
20	Transit control	X	Articles 29 and 30 of the Regulations Act			
21	Trans-shipment control	X	Articles 29 and 30 of the Regulations Act			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
22	Re-export control	X	Protocol Additional concluded with IAEA, annexes 2 and 3	X	CNSNS/General Customs Administration	
23	Control of funds provided					
24	Control of transport services provided					
25	Control of importation	X	Protocol Additional concluded with IAEA, annexes 2 and 3	X	CNSNS/General Customs Administration	
26	Extraterritorial applicability					
27	Other	X	Mexico is in the process of setting up import and export and, where appropriate, transit and re-export controls in respect of nuclear and radioactive material Protocol Additional, annexes 2 and 3	X	CNSNS/General Customs Administration	Page 5 of the report

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: **Mexico**

Date of report: 19 December 2005

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods/equipment/materials/ technologies)	X	Protocol Additional concluded with IAEA, annexes 2 and 3	
2	Control lists — other			
3	Assistance offered	X	Mexico offers advice and technical assistance on matters relating to extradition	Page 5 of the report
4	Assistance requested	X	1. Mexico is negotiating with Canada and the United States of America with a view to receiving training courses on the detection of materials related to weapons of mass destruction for customs officials 2. Mexico is seeking funding for the acquisition and implementation of high-tech systems and equipment for detecting agents related to weapons of mass destruction at the points of entry into national territory 3. A number of areas have been identified, such as access to justice, extradition, illegal arms trafficking, police services and draft legislation, in respect of which requests for advice, technical assistance and model legislation could be made 4. Mexico sees the merits of the proposals concerning the establishment of effective mechanisms for international cooperation for investigating suspicious outbreaks of diseases and procedures for addressing concerns relating to compliance with the Convention, as well as, inter alia, those concerning training personnel to work as part of international rapid response teams in the event of biological emergencies	Pages 3 and 5 of the report
5	Assistance in place (bilateral/ plurilateral/multilateral)	X	First regional seminar on the Chemical Weapons Convention in Latin America and the Caribbean *Workshop on the implementation of the Protocol Additional to the Safeguards Agreement*	See information provided in the initial report. Page 9 of the report
6	Information for industry	X	Workshop for Mexican companies on the submission of industrial declarations to OPCW	Idem.

Can information be provided on the following issues?	*YES*		*Remarks*
7 Information for the public		Article 12 of the draft law states: "Any relevant data, information and documents obtained and held by the authorities and administrative bodies by virtue of the provisions of this Act shall be regarded as confidential information and shall be subject to the confidentiality regime, within the meaning of the Federal Act on Transparency and Access to Public Information Held by the Government. The data, information and documents may be used only by the National Authority and may be transmitted to OPCW and other States parties, provided that such transmittal is required to comply with the obligations arising from the Convention" Article 13: "Notwithstanding the preceding provisions and with a view to allowing for the correct application of this Act, the following rules shall be mandatory: II. The National Authority must be aware of and may gather any relevant information on the handling of chemicals which will facilitate the preparation of Mexico's annual declarations to OPCW in accordance with the Convention" Article 19: "No person or entity of the Federal Government who is in possession of confidential information obtained pursuant to the provisions of the Act shall communicate the said information, allow it to be communicated or allow access to it without the prior consent of the natural or legal person from whom it was obtained, except when complying with an obligation arising from the Convention, in accordance with the preceding article" Article 20: "The National Authority must provide the Technical Secretary of the National Security Council or the National Centre for Research and Security with any information requested and must provide the means to incorporate its databases into the National Information Network in order to pool strategic data, thereby allowing for the preparation of assessments and the development of strategies to prevent, dissuade and, where appropriate, contain any threat to national security, elaborate public policies or carry out research in that area. Reports, or any other communication sent by the National Authority to OPCW or other States parties to the Convention shall include details of the measures necessary to maintain national security at all times. In any event, such reports shall be submitted for consideration to the Executive Secretary through the intermediary of the Technical Secretary of the National Security Council"	